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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,518	03/16/2004	Craig M. Janik	81230.518US1	3980

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EXAMINER	
DEAN, RAYMOND S	

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
11/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/802,518	JANIK ET AL.	
	Examiner	Art Unit	
	RAYMOND S. DEAN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4,6-10 and 31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4,6-10 and 31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *09/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 17, 2008 has been entered.

Response to Arguments

2. Applicant's arguments filed September 17, 2008 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicants' assertion that Sheriff does not teach the claimed low power standby feature (See Page 3, 1st Paragraph). The primary content manager (100) of Sheriff, which is the server, transfers content, which is content synchronization, to the secondary DCMD and the mobile DCMD. Sheriff further teaches wherein said content synchronization can be accomplished via the Bluetooth protocol (See Section 0039). Any Bluetooth enabled device in a Bluetooth system desiring to make a connection can enter the paging and/or inquiry mode wherein the device can send out paging and/or inquiry messages. The Bluetooth enabled devices that do not transmit are in standby mode and said standby devices listen for said page and/or

inquiry messages. When the device that is in standby receives the proper inquiry and paging message said device will transition to the active state, which consumes more power than the standby state, and a piconet will thus be established. The primary content manager thus, based on the evidence set forth above, can send out the inquiry and/or paging messages to the secondary DCMD and the mobile DCMD. The mobile DCMD thus, based on the evidence set forth above, can listen for said page and/or inquiry messages while in standby mode. When said mobile DCMD receives the proper inquiry and paging message said mobile DCMD will transition from the standby state to the active state. A piconet will therefore be formed such that content synchronization can take place. Sheriff thus teaches the limitation in question.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 – 2, 4, 6 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheriff et al. (US 2002/0065564) in view of Lappetelainen et al. (US 7,072,697).

Regarding Claim 1, Sheriff teaches a system comprising: a portable device (Figure 1, Sections 0031 lines 11 – 12, 0038 lines 8 – 9); and a server computer having

an associated wireless transmitter (Figure 1, Sections 0032 – 0033, 0037, the primary content manager is the server computer), wherein the server computer is programmed to cause the wireless transmitter to transmit a signal to initiate an automatic process of content synchronization with the portable device (Sections 0037, 0040) and wherein the signal is caused to be transmitted by the server computer without regard to the portable device within a range to receive the signal (Section 0037, the polling signals are transmitted without regard to the devices being within range to receive said polling signals); and wherein the portable device comprises: a wireless transceiver subsystem comprising a wireless transceiver wherein the wireless transceiver subsystem responds to the signal to cause the wireless transceiver subsystem to transition from a standby state to an active state in which the wireless transceiver subsystem uses the wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state (Sections 0037, 0039 lines 9 – 13, 0044 lines 1 – 11, the Bluetooth enabled devices in a Bluetooth system will transition from the standby mode to the activation mode, the standby mode consumes less power than the activation mode).

Sheriff does not teach a portable device comprising: a wireless receiver subsystem comprising a wireless receiver and a wireless transceiver subsystem, in communication with the wireless receiver subsystem, wherein the wireless receiver subsystem responds to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state in

which the wireless transceiver subsystem uses the wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state.

Lappetelainen teaches a Bluetooth system (Column 2 lines 21 – 25, lines 37 – 42) in which a portable device comprises a wireless receiver subsystem comprising a wireless receiver (Figure 15, Columns 9 lines 36 – 41, 12 lines 33 – 36, 13 lines 45 – 50, in order for the RF energy to be extracted by the sensors said sensors must have receiving capability thus the sensors are the receivers), and a wireless transceiver subsystem, in communication with the wireless receiver subsystem, wherein the wireless receiver subsystem responds to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state (Figures 6, 15, Columns 10 lines 1 – 30, lines 45 – 59, 12 lines 33 – 46, lines 58 – 62, 13 lines 45 – 50, power is applied to the Rx/Tx block when energy of another active device, that is in close proximity, is extracted, this causes the portable device to transition from a wake/idle mode to a fully operative power mode for the transmission of advertisement messages) and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state (Columns 10 lines 1 – 30, lines 45 – 59, the idle mode consumes less power than the fully operative power mode).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable device of Sheriff with the sensor and power

management circuitry of Lappetelainen for the purpose of power conservation as taught by Lappetelainen.

Regarding Claim 2, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the wireless transmitter is physically coupled to the server computer (Figure 1, the primary content manager can communicate via wireless means thus there will be a wireless transmitter).

Regarding Claim 4, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the server computer causes the wireless transmitter to transmit the signal periodically until the portable device responds to the signal (Sections 0037, 0039 lines 9 – 13, the primary content manager periodically transmits inquiry messages which comprise access codes, when the access code matches the Bluetooth enabled devices access code said Bluetooth enabled devices will respond with an acknowledgement signal).

Regarding Claim 6, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Lappetelainen further teaches wherein the wireless receiver includes a radio frequency (RF) receiver (Figure 15, Columns 9 lines 36 – 41, 12 lines 33 – 36, 13 lines 45 – 50, in order for the RF energy to be extracted by the sensors said sensors must have receiving capability thus the sensors are the receivers) Sheriff further teaches wherein the wireless transmitter includes a RF transmitter (Figure 1, Sections 0037, 0039 lines 9 – 13, the Bluetooth transceivers comprise RF transmitters).

Regarding Claim 7, Sheriff in view of Lappetelainen et al. (US 7,072,697)

teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches a pager network receiver (Section 0053 lines 3 – 7).

Regarding Claim 8, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the wireless receiver includes a mobile cellular phone network receiver (Section 0053 lines 3 - 7).

Regarding Claim 9, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the wireless transceiver includes a wireless local area (WLAN) transceiver (Section 0037).

Regarding Claim 10, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the server computer includes a personal computer (Section 0033, conventional general purpose computers comprise personal computers).

5. Claim 31 is rejected under 35 U.S.C. 103(a) over Sheriff et al. (US 2002/0065564) in view of Lappetelainen et al. (US 7,072,697), as applied to Claim 1, and further in view of Karaoguz et al. (US 2004/0029621)

Regarding Claim 31, Sheriff in view of Lappetelainen teaches all of the claimed limitations recited in Claim 1. Sheriff in view of Lappetelainen does not teach a synchronization budget manager which limits time during which the wireless transceiver subsystem of the portable device is in the active state as a function of an amount of power, which is allowed to be expended on content synchronization.

Karaoguz teaches a power controller, which limits time during which the wireless

transceiver subsystem of the portable device is in the active state as a function of an amount of power, which is allowed to be expended on content synchronization (Sections: 0014, 0046 lines 14 – 15, 0052 lines 7 – 8, 0055 lines 4 – 13, the power controller is acting as the synchronization budget manager).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sheriff in view of Lappetelainen with the power controller of Karaoguz for the purpose of maximizing the battery life of the portable Bluetooth devices before recharging is required as taught by Karaoguz.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAYMOND S. DEAN whose telephone number is (571)272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/
Examiner, Art Unit 2618

Raymond S. Dean
November 24, 2008